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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Larry Altherr et al,	)	No. CV 13-08007-PCT-FJM
	)	
Plaintiff,	)	<b>ORDER</b>
	)	
vs.	)	
	)	
Town of Jerome et al,	)	
	)	
Defendant.	)	

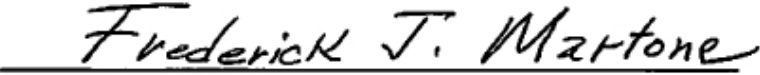
There is pending before Magistrate Judge Aspey, plaintiff's Motion for Court's Assistance (doc. 34) and defendant's Response (doc. 35). Judge Aspey will decide whether he wants to grant or deny the motion. However, there are statements in the papers about which this court must be perfectly clear. First, nothing about the settlement process constitutes good cause to amend in any way the Rule 16 Scheduling Order (doc. 14) which controls the processing of this case. Unless and until there is a stipulation to dismiss with prejudice, the existing deadlines control up to and including the firm trial date.

Second, a settlement constitutes an accord which extinguishes the underlying claims. Thus, no purpose is served by delaying dismissal of a case. A breach of a settlement agreement would not revive an extinguished claim. Any remedy would be by way of independent action on the agreement.

The court notes that the discovery deadline is November 20, 2013, and that the

1 dispositive motion deadline is December 20, 2013. The parties are on a dual track and must  
2 meet these deadlines even as they seek to consummate a settlement.

3 DATED this 15<sup>th</sup> day of October, 2013.

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6 **Frederick J. Martone**  
7 **Senior United States District Judge**  
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